

Appeal Ref: APP/M1520/W/24/3338797

SUMMARY NOTE AND DIRECTIONS ARISING FROM:

Case Management Conference (CMC) held on 8 APRIL 2024 at 14:00

Land east of Rayleigh Road, Thundersley

The appeal relates to an appeal against the decision of Castle Point Borough Council to refuse planning permission for development described as:

Outline planning application for the development of up to 455 new homes, a new multi-use community hall, land for the provision of a healthcare facility, land for a stand-alone early years and childcare nursery, new vehicular/pedestrian access points from Stadium Way in the north and Daws Heath Road in the south, new greenways and green links, multi-functional open space, green infrastructure, surface water attenuation, landscaping and associated infrastructure. All matters reserved except access.

The appeal is made by Mr Mark Sperrin of This Land Development Limited

The Council's application reference is 23/0085/OUT

Spokesperson for the Council: Asitha Ranatunga

Spokesperson for the Appellant: Rupert Warren KC

Procedural Matters

1. The inquiry is scheduled to open at 10.00am on 4 June 2024. The inquiry will take place in person and is scheduled for 4 sitting days. However, it was agreed that to cover the eventuality of running out of time, depending on the number of witnesses called, an additional day would be set aside on Tuesday 11 June. The Council agreed to book the Council Chamber for that day, having already done so for 4-7 June. The Council confirmed that the Inquiry notification (date/time/venue etc) will be sent out in accordance with the appeal start letter, together with a press notice and site notice (the parties agreed to liaise over the posting of the site notice). After day 1 of the Inquiry, subsequent days will start at 9.30am and I will aim to finish each day at around 5.00pm.
2. The parties considered that the Council Chamber has sufficient seating to be likely to accommodate everyone, including interested parties. However, it was confirmed that the adjacent atrium area would be available with a viewing screen if necessary. Although this is intended to be a solely

in-person event, the Council also agreed to look into and provide an update to the Planning Inspectorate (PINS) as to whether it would be possible to have some contingency, if necessary, for virtual connection to the Inquiry.

3. The Council confirmed that the venue has plenty of car parking spaces (agreed to reserve a space for the Inspector), would be accessible to all, has provision for microphones and hearing loop, and has wi-fi and photocopying facilities. A retiring room would be made available for the Inspector and, if possible, the Appellant who otherwise agreed to make use of the Council Chamber during adjournments. The Council also agreed to look into having someone as a point of contact for interested parties during the Inquiry and will provide an update on this.
4. The Council confirmed that it would not be recording or live streaming the Inquiry.
5. It was agreed that a clearly numbered electronic core document list with links would be provided, also to include proofs of evidence, statements of common ground and plans. The Appellant agreed to provide a hard copy set of the Core Documents to be made available to interested parties attending the Inquiry. This should also include copies of all proofs of evidence (PoEs), statements of common ground (SoCGs) and plans.
6. All of the appeal documents should be clearly identified as such on the Council's website and be easily accessible in that electronic format. In this respect, it was proposed that the Council would look into providing a separate link on the application file for appeal documents, and would provide an update as soon as possible. This will also need to enable provision for adding documents to it, including a folder for any Inquiry documents I agree can be submitted during the event (also to be provided as hard copy). The Appellant confirmed that they would take responsibility for the Inquiry document list and work with the Council to ensure the website is kept up to date during the Inquiry.
7. The Inspector would like hard copies of the proofs of evidence, statements of common ground and plans as well as the key core documents which the parties intend to make most or particular reference to at the Inquiry (the parties agreed to liaise on the latter).

Main issues and evidence

8. The procedure at the Inquiry will generally follow the 2000 Inquiry Procedure Rules. Based on the content of the evidence to date, acknowledging that the Council has not submitted its Statement of Case (due, as agreed, on 12 April), the main issues as set out in the Inspector's pre-CMC note were agreed. This would be subject to ongoing liaison between the parties as to their respective positions on Housing Land Supply and whether there would remain any disputed matters that would need to be examined either formally or through a round table discussion (RTD) (depending on the nature of any disputed positions). As it stands, I consider the main issues to be:

- The effect of the proposed development on the openness of the Green Belt.
 - Whether the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.
9. Based on the discussion at the CMC and the views expressed, these issues, together with any other planning matters, will be addressed at the Inquiry through the formal presentation of evidence in chief and cross-examination; with, following this, conditions and Planning Obligations by RTD. These matters will follow the opening statements and hearing from any interested parties wishing to speak. Whether the evidence will all be heard firstly from the Council and then the Appellant or on a topic by topic basis will depend on the extent of agreement in respect of Housing Land Supply and upon clarification, particularly from the Council as to whether one or two witnesses would be dealing with the current two main issues.
 10. Other matters raised by interested parties which are not informing any of the reasons for refusal will need addressing. The Appellant's evidence will need to address these. Whether or not they are dealt with as main issues in the eventual decision will depend on the evidence heard in due course.
 11. The advocates confirmed that their teams would provide draft agendas for any round table sessions based on matters that remain in dispute.
 12. In relation to para 8 of my pre-CMC note, the Council agreed to provide all of the information referred to and needed to enable me to conduct a Habitats Regulations Assessment, under my statutory duty. The parties also confirmed that they aim to liaise on this matter and to include their positions in the SoCG.
 13. Closing statements (provided in writing as well as presented verbally in person), and then any applications for costs, will be followed by my site visit. As discussed at the CMC, I currently anticipate that I would be accompanied on my site visit by representatives of the main parties whilst on the site itself, with my wider off-site visit being unaccompanied. For the latter in particular, if there are specific viewpoints that you would like me to see, I will need an itinerary and a plan agreed by both parties by 21 May.
 14. The advocates are to work collaboratively on their time estimates for each stage of their respective cases. Other than in exceptional circumstances, you are expected to take no longer than the timings indicated, which will require the cooperation of both advocates and witnesses. The advocates should give the order of witnesses consideration, discuss broad times, if possible, and submit initial timings by 7 May with final timings and a draft timetable by 21 May. It is expected that advocates take ownership of the timetable and keep to it.

15. The attached Annex A sets out timescales for the submission of documents.
16. The main parties confirmed that at the time of the CMC they do not intend to make applications for costs. Should this position change then applications should be made in writing in advance of the inquiry. In addition, in order to support an effective and timely planning system in which all parties are required to behave reasonably, you are reminded that the Inspector has the power to initiate an award in line with the Planning Practice Guidance. Unreasonable behaviour may include not complying with the prescribed timetables.
17. The Council must ensure that a copy of this note is made available on its website.

Andrew Dawe

INSPECTOR

10 April 2024

Annex A - Timetable for the submission of documents

12 April 2024	Deadline for submission of: <ul style="list-style-type: none">• Council's Statement of Case;• Appellant agreed at CMC to re-send heads of terms for planning obligations.
21 April 2024	Deadline for submission of: <ul style="list-style-type: none">• Final version of SoCG and any topic based SoCGs (to allow at least 2 weeks before PoEs);• Suggested conditions with comments from Appellant on any areas of disagreement (could include this in SoCG) – encourage as much agreement as possible in advance of Inquiry;• Information needed to enable Inspector to undertake Habitats Regulations Assessment.
7 May 2024	Deadline for submission of: <ul style="list-style-type: none">• All PoEs and a summary if the Proof is over 1500 words long;• Initial timings for openings and closings, evidence in chief and cross-examination;• Final agreed core documents list and link to Council website.
14 May 2024	Deadline for submission of: <ul style="list-style-type: none">• Copy of Council's inquiry notification letter and details of press and site notices;
21 May 2024	Deadline for submission of: <ul style="list-style-type: none">• Final planning obligation;• CIL compliance statement and schedule, including associated policies;• Final timings, draft timetable and any comments on timetable for consideration by the Inspector;• Any necessary rebuttal proofs;• Any site inspection information/itinerary.
24 May 2024	Deadline for submission of: <ul style="list-style-type: none">• Draft agendas for any RTD sessions.
4 June 2024	Inquiry opens 10.00 am